

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:23-CR-0035 CWR-FKB

THEODORE M. DIBIASE, JR.

UNOPPOSED MOTION TO CONTINUE AND FOR A SPECIAL TRIAL SETTING

The United States of America, by and through the undersigned counsel, submits this Motion for a Special Trial Setting and to reset the deadlines set forth in the scheduling order entered by the Court on April 20, 2023. This case is currently scheduled to proceed to trial on June 20, 2023. The discovery in this case is extensive and additional time is needed by both sides to review the case and to prepare for trial or negotiate a plea. The government submits that the ends of justice that will be served by taking such action outweigh the best interests of the public and the defendant in a speedy trial.

Defendant, by and through counsel, agrees that a new trial setting and a new order resetting the current deadlines are appropriate. The parties have conferred briefly and will confer further in an attempt to reach an agreement on a new scheduling order to present to the Court. In the alternative, the government seeks to extend or reset the current deadlines at a status conference on a date to be determined by the Court. This motion is filed in the interests of justice and not for any unnecessary delay.

Date: April 27, 2023

Respectfully submitted,

DARREN J. LAMARCA
United States Attorney

By: /s/ Dave Fulcher
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CERTIFICATE OF SERVICE

I, DAVID H. FULCHER, Assistant U.S. Attorney, hereby certify that I have this date electronically filed the foregoing motion with the Clerk of the Court using the ECF system which sent notification to all counsel of record.

Dated: April 27, 2023

/s/ Dave Fulcher
David H. Fulcher
Assistant United States Attorney